



**United States Patent & Trademark Office
Rule 132 Affidavit**

Appl. No. : 10/800,608
Applicant : Stephen Truesdale Carney
Filed : March 15, 2004
TC/A.U. : 1655
Examiner : Patricia A. Leith

Second Affidavit of Stephen Truesdale Carney

I, Stephen Truesdale Carney, hereby duly depose and say as follows:

1. I reference and incorporate my Affidavit of Stephen Truesdale Carney and restate all statements contained therein. A copy of said affidavit is attached here as Exhibit A.
2. I hired Lawrence D. Rink, M.D. FACC ("Dr. Rink"), to conduct the Folic Acid and Alfalfa, The FALL Study, (the "Study") described and made part of the above referenced Patent Application.
3. After my speech at the International Sprout Growers Association, the Study was published on the website of one of the conference participants International Specialty Supply on or about August 17, 2003. See email from International Specialty Supply representative, Bob Rust, evidencing the same and attached hereto as Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed under the pains and penalties of perjury this 19th day of July, 2007.

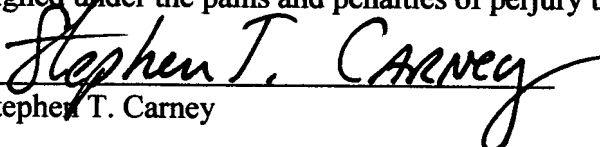

Stephen T. Carney

Exhibit. B

Powered by
Google

CHANNELS

- ▶ Home
- ▶ News
- ▶ Weather
- ▶ Money
- ▶ Sports
- ▶ Entertainment
- ▶ Movies
- ▶ Television
- ▶ Features
- ▶ Autos
- ▶ Search

MY ACCOUNT

- WebMail
- ▶ Inbox
- Drafts
- Sent Mail
- CC-trash
- saved folder
- Spam
- Trash
- ▶ Manage Folders
- ▶ Internet Tools
- ▶ Wireless Tools
- ▶ View/Pay Bill
- ▶ Customer Support
- ▶ Order Services

COX SERVICES

- ▶ For Your Home
- ▶ For Your Business
- ▶ Special Offers

Online Services

- ▶ Travel by Expedia
- ▶ Mortgage Center
- ▶ Credit Reports
- ▶ GM Video Vault
- ▶ Search for Homes

WebMail: Inbox

Compose

Check Mail

Addresses

Search

Settings

Help

Read Message

Reply

Reply All

Forward

Delete

Spam

New Filter

Detail

Print

Move to: Drafts

OK

Help

From: Bob Rust <Bob@Sproutnet.com>

Date: Monday, July 16, 2007 6:39 AM

To: carneycapital@cox.net

Subject: Re: Researchers Pouring On the Sprouts

Size: 31 KB

Steve,

8/17/2003 1:04pm is the most likely date.

Hope this helps,

Bob

----- Original Message -----

From: <carneycapital@cox.net>

To: "Bob Rust" <Bob@Sproutnet.com>

Sent: Sunday, July 15, 2007 1:57 AM

Subject: Re: Researchers Pouring On the Sprouts

> Yes. And I will forward the published version when available. Thanks.

> Steve

> ---- Bob Rust <Bob@Sproutnet.com> wrote:

>> Steve,

>>

>> Our tech guy is leaving for vacation today. I will catch him when he

>> gets

>> back.

>>

>> By the way, is it still OK to leave that on our website?

>>

>> Thanks,

>>

>> Bob

>>

>>

>> ----- Original Message -----

>> From: <carneycapital@cox.net>

>> To: "Bob Rust" <Bob@Sproutnet.com>



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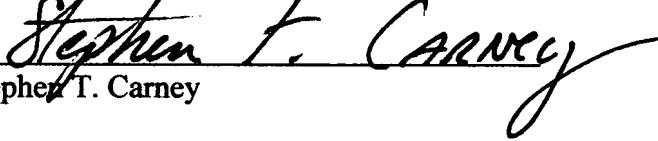
Affidavit of Stephen Truesdale Carney

I, Stephen Truesdale Carney, hereby duly depose and say as follows:

1. I hired Lawrence D. Rink, M.D. FACC ("Dr. Rink"), to conduct the Folic Acid and Alfalfa, The FALL Study, (the "Study") described and made part of the above referenced Patent Application. For your convenience, a copy of said Study is included herewith as Exhibit A. The purpose of the Study was to prove the claims made in the above referenced Patent Application filed on March 15, 2004.
2. On my behalf, Dr. Rink completed the Study on February 12, 2002 at which time he signed and dated the Study.
3. Dr. Rink has never published the Study. See Second Affidavit of Lawrence D Rink, M.D. FACC included herewith for your convenience as Exhibit B.
4. On June 7, 2003, during the construction of my company's website, NCB3.COM, I published the Study on NCB3.COM. See Archive of Website included herewith as Exhibit C.
5. Our first website was completed and was fully operational for the public on November 18, 2003. See Exhibit C.
6. On July 19, 2003, I spoke at a conference presented by the International Sprout Growers Association at which I provided to the attendees our findings from the Study. The Study was later published on the website of one of the conference participants International Specialty Supply. This is the publication you referenced in your last rejection letter to me.
7. To the best of my knowledge, the Study was not published before June 7, 2003.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Signed under the pains and penalties of perjury this 21st day of June, 2007.


Stephen T. Carney